GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Prohibition & Excise – Continuation of Bar licences existing as on 30.06.2020 for the period from 19.09.2020 to 30.06.2021 - Orders – Issued.

REVENUE (Excise) DEPARTMENT

G.O.MS.No. 272 **Dated: 18-09-2020.**
Read the following:

1. G.O.Ms.No.235, Rev. (Ex.II) Department, dt:23.06.2017.
2. G.O.Ms.No.236, Rev. (Ex.II) Department, dt:23.06.2017.
3. G.O.Ms.No.472, Rev. (Ex.II) Department, dt:22.11.2019
4. G.O.Ms.No.473, Rev. (Ex.II) Department, dt:22.11.2019
5. G.O.Ms.No.478, Rev. (Ex.II) Department, dt:25.11.2019
6. Interim orders of Hon'ble High court in W.P. No.19498/2019 & batch, dated 23.12.2019.
7. From the Commissioner of Proh. & Excise, A.P., Cr.No.3300/2020/CPE/E3, dt.17.09.2020.

ORDER:

All the (840) 2B licences existing as on 30.06.2020 have been granted for a period of (5) years i.e., from 01.07.2017 to 30.06.2022 with a fixed license fee and non-refundable Registration charge on population basis and the licenses are continued every year subject to remittance of 10% of enhanced License fee and non-refundable Registration charge of previous year, as per the orders issued in GOs 1st & 2nd read above.

2. The Government of Andhra Pradesh, pursuant to the committed policy of reducing levels of consumption of liquor, have taken several measures and implemented it in letter and spirit. In order to realize the objective, the Government have entrusted the privilege of selling by shop to APSBCL, a state owned Corporation and reduced the number of shops by 33%.

3. Further, the Government have issued orders in the G.O.3rd read above to withdraw all the existing Bar licenses with a view to reduce the number of 2B bars and formulated a new Bar Policy for the year 2020-21 vide G.O. 4th read above with revised License fee structure and grant of Bar licenses by drawl of LoTs. A number of Writ Petitions have been filed challenging the withdrawal orders and the new Bar Policy and the Hon'ble High Court, by an interim order dt.23.12.2019 in W.P.Nos.19498/2019 & batch, has stayed the withdrawal of bar licenses and further action pursuant to the Notification issued for grant of new bar licenses. The matter is subjudice.

4. Meanwhile, the Government of India have declared COVID-19 as pandemic and accordingly all the 2B Bars have been shut down w.e.f.22.03.2020.

5. The A.P. Wine Dealers Association represented that even during the Lock-down period, the licensees have to pay all the incidental expenditure for retaining the leased premises and up-keep of the same and therefore requested for refund of proportionate license fee and non-refundable registration charge for the closure period from 22.03.2020 to 30.06.2020 due to Lockdown declared to prevent spread of COVID-19 or adjust the same towards the future license fee and non-refundable registration charge.

6. In the reference 7th read above, the Commissioner of Prohibition & Excise, while stating the above, has requested to restore and continue all the bar licences existing as on 30.06.2020 for the period from 19.09.2020 to 30.06.2021 on payment of proportionate Licence Fee and non-refundable Registration Charge as per Rule 14 of A.P. Excise (Grant of licence of selling by bar and conditions of licence) Rules,2017, pending High Court directions in public interest.

7. After careful examination of the matter, Government have decided to continue all the (840) bar licences existing as on 30.06.2020 for the period from 19.09.2020 to 30.06.2021 subject to outcome of W.P. No.19498/2019 & batch.

8. Accordingly the Government hereby accord permission to continue all the (840) 2B licenses including those existing in Micro-breweries and 3-Star and above category Hotels existed as on 30.06.2020, for the period from 19.09.2020 to 30.06.2021, on payment of proportionate Licence Fee and non-refundable Registration charge and 10% increase every year as per the policy for the period from 19.09.2020 to 30.06.2021, in relaxation of Rule 14 (4)(d) & (6) of A.P. Excise (Grant of licence of selling by bar and conditions of licence) Rules, 2017, subject to outcome of W.P. No. 19498/2019 & Batch.

9. The Licence fee and non-refundable Registration charge and 10% increase shall be as per A.P. Excise (Grant of licence of selling by bar and conditions of licence) Rules, 2017, proportionately for the period from 19.09.2020 to 30.06.2021.

10. The Licence Fee and non-refundable Registration Charge with 10% increase for the closure period from 22.03.2020 to 30.06.2020 (101 days) shall be adjusted towards future licence fee and non-refundable Registration charge payable for the period from 19.09.2020 to 30.06.2021.

11. The Commissioner of Prohibition & Excise, Andhra Pradesh, Vijayawada, shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Prohibition and Excise, A.P., Vijayawada.
The Managing Director, A.P. State Beverages Corporation Limited, Vijayawada.
Copy to:
The P.S. to the Prl. Secretary to Chief Minister.
The P.S. to the Hon'ble Deputy Chief Minister (Excise & CT).
The P.S. to the Special Chief Secretary to Govt. Revenue (CT, P&E, R&S).
SC/SF.

// FORWARDED :: BY ORDER //

SECTION OFFICER